

AO 440 (Rev. 04/08) Civil Summons

FILED CLERK  
UNITED STATES DISTRICT COURT

2009 FEB 17 PM 1:37

TEXAS EASTERN

BY

Civil Action No. 6:08cv447

for the  
Eastern District of Texas

EMG TECHNOLOGY, LLC.

Plaintiff

v.

APPLE, INC., ET AL.

Defendant

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)

)

)

## Summons in a Civil Action

To: (Defendant's name and address)

CONTINENTAL AIRLINES, INC.  
c/o C T CORPORATION SYSTEM  
350 N. ST. PAUL STREET  
Dallas, TX 75201 USA

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

CHARLES AINSWORTH  
PARKER BUNT & AINSWORTH PC  
100 E FERGUSON SUITE 1114  
TYLER TX 75702

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 2/5/09


Name of clerk of court

MLL

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

ORIGINAL

Proof of Service

**\*\* SEE ATTACHED \*\***  
**\*\*\*AFFIDAVIT\*\*\***

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_, by:

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_; or \_\_\_\_\_

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_ who resides there and is of suitable age and discretion; or \_\_\_\_\_

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is \_\_\_\_\_; or \_\_\_\_\_

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_; or \_\_\_\_\_

(5) other (specify) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

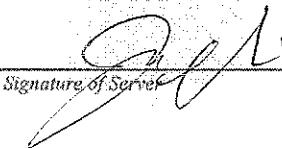
Date: \_\_\_\_\_

**\*\* SEE ATTACHED \*\***  
**\*\*\*AFFIDAVIT\*\*\***

Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	2/6/09
NAME OF SERVER (PRINT) JOE CLEWIS sch 4129	TITLE	TEXAS PROCESS SERVER
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____		
<input checked="" type="checkbox"/> Other (specify): Delivered to Continental Airlines Inc. by delivering to its' Registered Agent, CT Corporation System at 350 N. ST. Paul St., Dallas, Texas 75201, by delivering to its' Authorized Agent, Amber Carrouth.		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
Executed on	2/6/09	Date
 Signature of Server		
5470 LBJ FREEWAY, DALLAS, TEXAS 75240 Address of Server		